

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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GARRETT HOTEL GROUP, INC.,

Plaintiff,

-v-

No. 8:10-CV-1443

DAVID W. and CHRISTIE GARRETT,

Defendants.

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DAVID N. HURD  
United States District Judge

**ORDER**

Plaintiff cannot establish subject matter jurisdiction as complete diversity of the parties is lacking. The Garrett Hotel Group, Inc. last transacted business in Vermont, the same state of which defendants are citizens.

Accordingly, pursuant to the oral decision of the Court entered into the record after hearing oral argument on April 29, 2011, in Utica, New York, it is hereby

ORDERED that defendants' motion to dismiss is GRANTED, without prejudice.

IT IS SO ORDERED.

The Clerk is directed to enter judgment accordingly.

Dated: April 29, 2011  
Utica, New York.

  
United States District Judge